IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4046 OF 2005

Parshuram Maruti Tawde. ... Applicant.
Versus.
The State of Maharashtra & anr. ... Respondents.

Shri S.M.Chimade i/by Shri B.W.Kakade for the Applicant.

Shri U.V.Nikam, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 8th July, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for State. The learned A.P.P. has brought to my notice the order dated 6th June 2005 passed by the Addl.Sessions Judge in Application for anticipatory bail filed by the Applicant. The learned Addl.Sessions Judge has recorded solemn assurance given by the Advocate for the Applicant that the Applicant was ready and willing to deposit a sum of Rs.3 lakhs in the Court of the Metropolitan Magistrate, 21st Court, at Vikhroli. On the basis of the said statement, the Applicant was granted two weeks time to deposit the said amount and ad-interim protection was continued. On 20th June 2005 when the matter came up before the learned Addl.Sessions Judge, it was brought to his notice that the Applicant has not complied with the assurance given to deposit the sum of Rs.3 lakhs and on that ground the application for anticipatory bail was rejected.

2. Today the learned Counsel appearing for the Applicant is unable to make any specific statement that the Applicant is in a position to deposit the said sum of Rs.3 lakhs. A perusal of the order passed by the learned Addl.Sessions Judge shows that only because solemn assurance was given on behalf of the Applicant that a sum of Rs.3 lakhs will be deposited in the Court of the learned Metropolitan Magistrate, time of two weeks was granted to enable the Applicant to do so and interim protection was continued. From 6th June 2005 till today no amount has been deposited in the Court of the learned Metropolitan Magistrate. The learned Counsel for the Applicant stated that a sum of Rs.1 lakh has been deposited by the Applicant in some Bank. Obviously deposit of certain amount in Bank is not in conformity with the statement which was made before the learned Addl.Sessions Judge. In view of this, no case is made out for grant of any relief. The Application is rejected.

Judge.